



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 23, 1996

Dean J. Johnson
Police Legal Advisor
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR96-0068

Dear Mr. Johnson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35055.

The Baytown Police Department (the "department") received a request for the "Verification of Offense Report" on an auto theft, Case No. 95-24827. You seek to withhold the requested information from public view and initially claim that, because this request would require you to prepare a new document, you are not obligated to provide this document to the requestor under the Open Records Act. You also claim that sections 552.101 and 552.108 of the Government Code except the report from required public disclosure. You have submitted to this office a blank copy of the "Verification of Offense Report" as well as other documents for our review.

The Open Records Act does not require the creation or preparation of new information. See Open Records Decisions Nos. 572, 555 (1990), 452 (1986). Therefore, we agree that you are not obligated under the act to provide the requested information to the requestor. However, because you may decide to voluntarily provide this information to the requestor, we must address whether the requested information should be excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(d) of the Family Code, provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a

criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

We conclude that the "Verification of Offense Report" is a law-enforcement record concerning a child which may not be disclosed to the public. Accordingly, this information must be withheld from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.¹

As we decide that the information must be withheld under section 552.101, we need not address the applicability of section 552.108 at this time. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/ch

Ref.: ID# 35055

Enclosures: Submitted documents

cc: Ken Lucas
Allstate Insurance Company
Market Claim Office
12929 Gulf Freeway, Ste. 300
Houston, Texas 77034
(w/o enclosures)

¹We note that in the recent legislative session, the seventy-fourth Legislature repealed section 51.14 of the Family Code. We do not address in this ruling the effect of the legislature's action on requests for information that concern conduct committed on or after January 1, 1996. See Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 106(a), 1995 Tex. Sess. Law Serv. 2517, 2591.